IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.930 OF 2005
IN
NOTICE OF MOTION NO.1871 OF 2004
IN
SUIT NO.1313 OF 2004

Naigaon Co-operative Housing
Society Ltd. .. Appellant

v/s.

The Brihanmumbai Mahanagar Palika
& ors. .. Respondents

Mr.V.A.Thorat, senior counsel with Mr.Sureal Shah
and Mr.A.S.Karwande for the appellant.

Mr.D.H.Mehta with Mr.K.N.Gaikwad for the respondent
No.1.

Mr.P.K.Dhakephalkar i/by Mr.A.A.Kocharekar for the
respondent Nos.2 to 4.

CORAM : R.M.LODHA AND
D.G.KARNIK, JJ.

DATED : 13th December, 2005

P.C.

Heard.

2. During the course of motion hearing, Mr.P.K.Dhakephalkar, the learned counsel for the respondent Nos.2 to 4 made the statement that the said respondents shall not create any third party rights and interest nor otherwise transfer or alienate the land covered by lease deed dated 6th June, 2003 until the disposal of the suit. This statement has been made by the learned counsel for the respondent Nos.2 to 4 without prejudice to the contentions of the said respondents in the proceedings pending before the Small Causes Court.

3. Having considered the available material, we are of the view that the statement of the learned counsel for the respondent Nos.2 to 4 may be accepted and we order accordingly. Besides that the appellant-society is not entitled to any other interim relief during the pendency of the suit.

4. The observation of the learned motion Judge in the impugned order that notice of motion is abuse of process of the court, is deleted by the consent of the learned counsel for the respondent Nos.2 to 4.

Appeal is disposed of accordingly.

(R.M. LODHA, J.)

(D.G. KARNIK, J.)